

Remarks

In the present response, claims 1-29 are presented for examination.

I. Claim Rejections: 35 USC § 101

Claims 1-29 are rejected under 35 USC § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

Under 35 USC § 101, patentable subject matter must have two basic criteria. First, the subject matter must be one of processes, machines, manufacturers, and compositions of matter. Generally, three categories are not included as patentable subject matter: (1) abstract ideas, (2) laws of nature, and (3) natural phenomena. Second, the subject matter to be patented must be “useful.” Applicants’ claimed subject matter meets both of these criteria.

Each of the independent claims has a practical application in the technological arts since the claims produce a concrete, tangible, and useful result. In other words, the claims recite at least one step or one act that produces something that is concrete, tangible, and useful. Some examples are provided below for the independent claims.

Independent claim 1 recites “an access point” which is an apparatus. In other words, claim 1 is directed to a “thing” that can be made in the real world by man. This access point has a web server interface that couples guests to the Internet. Connecting a guest to the internet is a useful, real world result. Further, claim 1 recites a usage collector that monitors internet usage of guests connected to the access point. Monitoring such usages is quite useful. Further yet, claim 1 recites a cache that caches web pages.

Does the Examiner take the position that caches do not produce useful, concrete, and tangible results? If so, Applicants respectfully disagree. Clearly, caches are known to be useful, concrete, and tangible.

Independent claim 12 recites a method for providing guests with internet service. Providing people with internet service is quite useful and produces a concrete, tangible result (i.e., people are provided with access to the internet). **Does the Examiner take the position that providing people with internet service does not produce a useful, concrete, tangible result?** If so, Applicants respectfully disagree. As yet another example, claim 12 recites detecting a request for internet access, monitoring usage

patterns on the internet, and predicting information based on usage patterns. This information is then locally cached. Storing information (such as the claimed predictions) is useful and produces a concrete, tangible result (i.e., prediction information is stored).

Independent claim17 recites a “system” for managing “access points.” In other words, claim 17 is directed to a “thing” that can be made in the real world by man. This system includes plural access points (i.e., devices or apparatus) and a management server (i.e., a device or apparatus). The access points provide internet access to guests. **Does the Examiner take the position that providing people with internet service does not produce a useful, concrete, tangible result?** If so, Applicants respectfully disagree. Further, the claim recites that the server analyzes internet usage to detect patterns, and information is downloaded to access points “enhance the operation of the access point based on the detected usage pattern.” As recited, the claim clearly articulates an enhancement (i.e., usefulness) that is concrete and tangible.

Independent claim25 recites an access point that permits guests to obtain internet access. **Does the Examiner take the position that providing people with internet access does not produce a useful, concrete, tangible result?** If so, Applicants respectfully disagree. As yet another example, claim 25 recites coupling an access point to the internet. Clearly, this means performs a real-world application. The claim also recites means for monitoring guest requests and means for storing content that is of interest to a user. Again, clearly storing content based on internet usage of people is useful and produces a concrete, tangible result.

Claims 1, 12, 17, and 25 provide numerous examples of a “real world” results that are not only useful, but also concrete and tangible. These real world values are more than a mere idea or concept.

The legal position of the Applicants is clearly supported in MPEP 2106. Further, Applicants respectfully ask the Examiner to review the decision in *AT&T Corp. v. Excel Communications*, 172 F.3d 1352 at 1358 (Fed. Cir. 1999). The law clearly states: “Only when the claim is **devoid** of any limitation to a practical application in the technological arts should it be rejected under 35 USC 101” (MPEP 2106: Emphasis added). Applicants have shown that the claims are not devoid of any limitation to a practical application in

the technological arts. As noted, claims 1 and 14 recite a real world value (i.e., the output centers).

Next, Applicants respectfully cite MPEP 2106 to support further their position:

The applicant is in the best position to explain why an invention is believed useful. Office personnel should therefore focus their efforts on pointing out statements made in the specification that identify all practical applications for the invention. Office personnel should **rely** on such statements throughout the examination when assessing the invention for compliance with all statutory criteria. An applicant may assert more than one practical application, but **only one is necessary to satisfy the utility requirement**. Office personnel should review the entire disclosure to determine the features necessary to accomplish at least one asserted practical application. (Bold added).

For at least these reasons, Applicants respectfully ask the Examiner to withdraw the rejection under 35 USC § 101.

II. Claim Rejections: 35 USC § 103(a)

Claims 1-29 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,779,031 (Picher) in view of US application number 2004/025007 (Salo). This rejection is traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. For at least the following reasons, Applicants assert that the rejection does not satisfy these criteria.

Each of the independent claims recites one or more elements that are not taught or suggested in Picher in view of Salo. Applicants present claim 1 as an example.

Claim 1 recites an access point that has three elements: (1) a web server interface, (2) a usage collector, and (3) web cache software. The access point and these three elements are provided “in a single device” that links the guests to the internet. Nowhere does the art of record teach or even suggest a single device that includes the three claim elements.

Figure 2 in Picher shows an ISP/QOS module 120 that has a database 240, an event server 230, a node server 225, a database server 235, etc. Picher does not teach an access point that is a single device as claimed. Again, Picher teaches a module 120 that has various servers, databases, etc.

Salo teaches a user terminal that includes a cache. This user terminal is not even an access point. Again, claim 1 recites that the access point “links one or more guests to the Internet.” In Salo the user terminal is itself being linked to the internet; the user terminal is not providing the link for other guests or other user terminals.

In short, Applicants respectfully argue that the current rejections are moot since Picher and Salo, alone or in combination, do not teach or suggest an access point that is a single device having the separate elements recited in the claims.

CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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